

Sufficiency of Signatures on Conference Reports

Updated May 2, 2012

Congressional Research Service

<https://crsreports.congress.gov>

RS21629

Summary

The House and Senate both require that a conference report be signed by a majority of House conferees and a majority of Senate conferees. When some conferees are appointed only for limited purposes, the two chambers have different ways of counting to determine whether the conferees' report carries sufficient signatures. The Senate asks whether the report is signed by a majority of all the conferees from each house, without regard to whether those conferees were appointed for all or for limited purposes. The House asks whether the report is signed by a majority of all the conferees from each house who were appointed to consider each of the matters that were submitted to the conference committee.

This report will be updated if procedural changes warrant.

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General and Limited Purpose Conferees

A valid conference report must carry the signatures of a majority of the conferees appointed by each chamber. House precedents state that “to be valid in the House, a conference report must be signed by a majority of the managers of the House and by a majority of the managers of the Senate.”¹ Similarly, Senate precedents provide that “[a] conference report to be valid must be signed by a majority of the conferees of each House....”²

In most cases, no problems arise in determining whether this requirement has been met. Under certain circumstances, however, questions may arise about whether a conference report carries sufficient signatures. These questions may arise especially in the House, and when one or both chambers appoint some of their conferees only for limited purposes. Usually, each house authorizes at least some of its conferees to negotiate on all the matters in disagreement between the two houses. Conferees with this blanket authority may be called “general conferees.” Either house or both, however, also may authorize some of its conferees to negotiate only on certain of the matters committed to conference. For example, one chamber might appoint certain of its conferees only to consider title II of the Senate substitute and the corresponding provisions of the House bill. Conferees with this form of authority may be called “limited purpose conferees.”

Many limited purpose conferees are named as “additional” conferees, to negotiate along with the general conferees on the specified matters. Some, however, may be named as the “sole” conferees on the matters specified (in which case the authority of all other conferees also must be limited, so that they are not to negotiate on these matters). When limited purpose conferees are present, the matters before the conference may be thought of as divided into several portions, on each of which a different group of conferees is authorized to negotiate. The memberships of these different panels of conferees, of course, may overlap.

Validity of Conference Reports in House and Senate

When limited conferees are present, the House and Senate determine whether a conference report carries a sufficient number of signatures in different ways.

Senate Standard

The Senate does not often appoint conferees for limited purposes. One reason may lie in how the Senate counts to determine the sufficiency of signatures on conference reports. *In the Senate, a valid conference report must carry the signatures of a majority of the Members from each chamber who were appointed as conferees, without regard to whether or not any of those Members were appointed as conferees only for limited purposes.* The House Parliamentarian’s handbook of current precedent, *House Practice*, states that “[U]nder Senate practice, signatures are counted strictly per capita.”³

¹ Wm. Holmes Brown, Charles W. Johnson, and John V. Sullivan, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 112th Cong., 1st sess. (Washington: GPO, 2011), ch. 13, sec. 18.

² Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure: Precedents and Practices*, S.Doc. 101-28, 101st Cong., 2nd sess. (Washington: GPO, 1992), p. 490.

³ Wm. Holmes Brown, Charles W. Johnson, and John V. Sullivan, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 112th Cong., 1st sess. (Washington: GPO, 2011), ch. 13, sec. 18.

House Standard

The House is more likely than the Senate to appoint conferees for limited purposes, and the House has a different standard for determining whether there is a sufficient number of signatures on a conference report. *In the House, a valid conference report must carry the signatures of a majority of the Members from each chamber who were appointed to consider each provision or amendment in conference.* “In the House,” according to *House Practice*, “each provision must be signed by a majority of the Members appointed for that provision only (including general and additional conferees).”⁴

Application

Each chamber uses its standard not only to determine whether a majority of *its own Members* have signed a conference report, but also to determine whether the report carries the requisite number of signatures from *Members of the other chamber*. For example, consider a typical case, in which the House appoints limited purpose conferees and the Senate does not.

In the House, whether a sufficient number of Representatives have signed the conference report depends on a separate determination for each portion of the bill and amendment (or amendments) committed to conference. For each portion of the matters in disagreement, it will be necessary to count how many Representatives were appointed to consider that portion, and then to determine whether a majority of that number signed the report. If a majority of those appointed to consider any one portion of the matters in disagreement fail to sign the report, the report is not valid even if it carries the signatures of all the other House conferees.

In the Senate, however, it is sufficient to count the number of Representatives who were appointed as conferees for any purpose—that is, the total number of both general and limited purpose conferees—and ascertain whether a majority of that number signed the conference report.

Illustrations

Instance When Both the House and Senate Appointed Limited Purpose Conferees

To illustrate the application of the House and Senate standards, consider the rosters of Representatives and Senators appointed as conferees on H.R. 1000 of the 106th Congress, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. In this example, both the House and the Senate appointed both general and limited purpose conferees.⁵

The Senate appointed 14 Senators from two committees. Nine Senators from the Committee on Commerce, Science, and Transportation were appointed for the consideration of the entire bill. The Senate also appointed five Senators from the Committee on the Budget to consider only title IX of the bill.

⁴ Ibid.

⁵ U.S. Congress, House of Representatives, *Calendar of the United States House of Representatives and History of Legislation*, final edition, 106th Cong., p. 18-8. According to the *House Final Calendars*, the 106th Congress was the last one in which the Senate appointed limited purpose conferees.

The House appointed 29 Representatives, 20 of them for all purposes and nine for only limited purposes. In addition to the 20 managers appointed to consider the entire bill, the Speaker appointed three conferees from the Committee on the Budget for the consideration of titles IX and X of the House bill, three conferees from the Committee on Ways and Means for the consideration of title XI of the House bill, and three conferees from the Committee on Science for the consideration of title XIII of the Senate amendment and modifications committed to conference.

In the Senate, the conference report would not be valid unless a majority of all the conferees from each chamber signed it. In other words, if any eight Senators and any 15 Representatives signed the report, then the report would have a sufficient number of signatures for the Senate to consider it.

The House, however, would determine whether a sufficient number of Representatives signed the conference report according to its own standard. In our example, the signatures of a majority of the nine Senators appointed to consider the whole bill would be required for all titles except title IX. In other words, five Senators would need to sign the report for those titles. For the report to be valid in the House with respect to title IX, however, a majority of the full 14 Senators appointed would need to sign for the report, or eight Senators.

Similarly, for the report to be valid in the House, 11 Representatives, or a majority of the 20 general conferees appointed, would need to sign the report for all the titles except IX, X, XI and XIII. For titles IX and X, signatures would have to be gathered from any 12 of the 23 Representatives appointed for the consideration of those titles. In other words, a majority of the 23 conferees (20 general conferees plus the three limited purpose conferees from the Committee on the Budget) appointed to consider titles IX and X would need to sign the report. In the same way, a majority of the 23 House conferees appointed to consider title XI, and a majority of the 23 House conferees appointed to consider title XIII, would also need to sign the report. **Table 1** graphically displays the information in the above paragraphs.

Table 1. Illustration of Senate and House StandardsConference Report on H.R. 1000, 106th Congress

	House Conferees	Senate Conferees
General	20	9
Limited Purpose	3 to consider titles IX and X 3 to consider title XI 3 to consider title XIII	5 to consider title IX
Total	29	14
Majority under Senate standard	15	8
Majority under House standard	12 for titles IX and X 12 for title XI 12 for title XIII 11 for all titles except IX, X, XI and XIII	8 for title IX 5 for all titles except title IX

Source: *Calendar of the United States House of Representatives and History of Legislation*, Final Edition, 106th Congress, p. 18-8.

Note: The final House Calendar listed as the source for this table contains details concerning the authority of the limited purpose conferees.

Complex Instance

The difference between House and Senate standards for the sufficiency of signatures became an issue in the 106th Congress when S. 900, the Financial Services Modernization Act of 1999, went to conference. The Senate appointed 20 conferees, 11 Republicans and nine Democrats, all with no restrictions on their authority. The House initially appointed 42 conferees, drawn from four different House committees, each of which had jurisdiction over some provision or provisions of the Senate bill or the House amendment in the nature of a substitute. Of these 42, 23 were appointed as general conferees to consider the entire Senate bill and the entire House substitute. All the other House conferees were appointed for limited purposes, some much more limited than others.⁶

The most complex appointments were for members of the House Committee on Banking and Financial Services. Eight Republicans and two Democrats from that committee were appointed to the conference committee for all purposes. Eleven other Democrats from the committee were appointed in five overlapping groups, each consisting of four limited purpose conferees authorized to consider one or more titles of the House and Senate versions of the bill. As a result, each group of conferees from the Committee on Banking and Financial Services consisted of eight Republicans and six Democrats.

Republicans constituted a majority of each panel of House conferees. The way in which the separate panels of limited purpose Democratic conferees from the Committee on Banking and Financial Services were made up, however, meant that the total number of House Members appointed as conferees included 20 Republicans and 22 Democrats. Some Senate conferees objected that this configuration opened up the possibility of a conference report that could be held

⁶ *Congressional Record*, daily edition (July 30, 1999), p. H6738.

valid for consideration in the Senate, under the Senate standard, even though no House Republicans had signed it.⁷

Subsequently, the Speaker appointed four additional Republican members as limited purpose conferees, and correspondingly restricted the role of four Republicans initially appointed as general conferees. The four new conferees were authorized to negotiate only on certain narrowly specified provisions of the bill. The authority of the four initial appointees was restricted to the remaining portions of the bill, so that they became limited purpose conferees as well. This change reduced the total number of House general conferees from 23 to 19. More significantly, however, the four new appointments brought the total number of House conferees to 46, made up of 24 Republicans and 22 Democrats.⁸

Additional Information

For related information from CRS on conference procedures in Congress, see the following products available on the CRS website, under “Congressional Operations,” at <http://crs.gov/analysis/Pages/CongressionalOperations.aspx?source=QuickLinks>.

CRS Report RS20454, *Going to Conference in the Senate*, by Elizabeth Rybicki.

CRS Report 98-380, *Senate Conferees: Their Selection and Authority*, by Elizabeth Rybicki.

CRS Report RS22733, *Senate Rules Restricting the Content of Conference Reports*, by Elizabeth Rybicki.

CRS Report RS20227, *House Conferees: Selection*, by Richard S. Beth.

CRS Report RS20219, *House Conferees: Restrictions on Their Authority*, by Richard S. Beth.

CRS Report 96-708, *Conference Committee and Related Procedures: An Introduction*, by Elizabeth Rybicki.

CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.

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Acknowledgments

Significant portions of the text presented here were written by Stanley Bach, a former Senior Specialist in the Legislative Process.

⁷ CQ, Inc., “Roster Dispute Marks Beginning of Conference,” *Congressional Quarterly*, 1999 Almanac (Washington: CQ Press, 2000), pp. 5-19.

⁸ *Congressional Record*, daily edition (September 14, 1999), p. H8286.

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